

# UNITED STATES DISTRICT COURT

## for the Southern District of Illinois

Damyon "Divine Desire" Cole  
(Plaintiff/Petitioner)

✓  
Pet. Quinn, Governor, State of Illinois,  
S. A. Godinez, Director, Illinois Department of Correction,  
Gladys Taylor, Assistant Director, Illinois Department of Correction,  
T. J. Baker, Southern Director, Illinois Department of Correction,  
Sherrill Benton, Administrator, Office of Inmate Issue (i doc)  
Jaclyn C. Day, Chief of Constituent Services (i doc)  
Donald W. Gaez, Warden, Pinckneyville Correctional Center,  
David Redman, Assistant Warden, Pinckneyville Correctional Center,  
Earl Wilson, Assistant Warden, Pinckneyville Correctional Center,  
Kathy Deer, Grievance Officer, Pinckneyville Correctional Center,  
Kristman, Counselor, Pinckneyville Correctional Center,  
William Pickering, Mayor, Pinckneyville Correctional Center,  
Derrick Cleland, Mayor, Pinckneyville Correctional Center,  
Jason Bradley, Lieutenant, Pinckneyville Correctional Center,  
Williams, Lieutenant, Pinckneyville Correctional Center,  
Jon Camp, Sergeant, Pinckneyville Correctional Center,  
Brett Hindworth, Lieutenant, Pinckneyville Correctional Center,  
James Reeves, Psychologist, Pinckneyville Correctional Center,  
Tracy Eppin, Psychologist, Pinckneyville Correctional Center,  
Ty Wallace, Psychologist, Pinckneyville Correctional Center,  
Mark Boscolo, Officer, Pinckneyville Correctional Center,  
Marcus Myers, Officer, Pinckneyville Correctional Center,  
Carol McBride, Officer, Pinckneyville Correctional Center,  
Tammy Harmon, Nurse, Pinckneyville Correctional Center,  
Cynthia, Officer, Pinckneyville Correctional Center,  
Greaves, Officer, Pinckneyville Correctional Center,  
Samuel Resk, Officer, Pinckneyville Correctional Center,  
Clark, Officer, Pinckneyville Correctional Center,  
Furlow, Officer, Pinckneyville Correctional Center,  
James, Officer, Pinckneyville Correctional Center,  
Ruebke, Officer, Pinckneyville Correctional Center,  
Culliver, Officer, Pinckneyville Correctional Center,  
Ramsey, Officer, Pinckneyville Correctional Center.  
Defendant/Respondent

Civil Action no. #12-686-MJR

Complaint

Individually and in their official capacities

# I. JURISDICTION

- 1) This is a civil action authorized by 42 U.S.C. section §1983 to redress the deprivation under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1343 (2)(3). Plaintiff "Givine" claims for injunctive relief are authorized by 28 U.S.C. section 2283 & 2284 and rule 65 of the Federal Rules of Civil Procedures.
- 2) The Southern District Court of Illinois is an appropriate venue under 28 U.S.C. section 1391(b)(2) because it is where the events giving rise to this claim occurred.

## A. PLAINTIFF:

Plaintiff "Givine" "Givine" Cole is and was at all times employed herein a prisoner of the state of Illinois. Illinois Department of Corrections (I.D.O.C). She is currently confined in Pontiac Correctional Center.

"Givine" "Givine" Cole # R13404

700 W. Lincoln<sup>st</sup> P.O. Box 99

Pontiac, IL 61764

## Defendant #1

B Defendant Pat Quinn, is employed as Governor with State of Illinois  
207 State House, Springfield, IL 62706

At the time the claim alleged this complaint arose, this defendant was employed by the state, local government.

Defendant Pat Quinn is the Governor of the state of Illinois and the head of (I.D.O.C)

Defendant #2

C Defendant S.A. Gomez, is employed as  
Director (I.D.O.C) with State of Illinois Department  
Corrections. 1301 Concordia Ct. P.O. Box 19277, Springfield IL 62794-2771  
At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.  
Defendant S.A. Gomez is the director of the Illinois Department  
of Corrections (IDOC)

Defendant #3

D Defendant Gladys Taylor is employed as  
Assistant Director with Illinois Department of Corrections  
100 W. Randolph St Ste 1200 Chicago, IL 60601  
At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.  
Defendant Gladys Taylor is the director of the Illinois Department  
of Corrections (IDOC)

Defendant #4

E Defendant Ty Bates is employed as  
Southern Region Deputy Director with Illinois Department  
of Corrections. 2305 W. Main St suite 128, Menard IL 62454  
At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.  
Defendant ~~Gladys Taylor~~ <sup>Ty Bates</sup> is the director of the Illinois Department  
of Corrections (IDOC)

Defendant #5

7 Defendant Sherry Benton is employed as  
Administrator Officer, Office of inmate issues with Illinois  
Department of Corrections. 1301 Concordia ct. P.O. Box 19277 Springfield,  
IL 62794-9277

At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.

Defendant Sherry Benton is the administrator for the Office of inmate  
issues of (I.D.O.C)

Defendant #6

G Defendant Jacklyn O'Day is employed as  
Chief of Constituent Services with Illinois Department  
of Corrections, 1301 Concordia ct. P.O. Box 19277 Springfield, IL 62794-  
9277.

At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.

Defendant Jacklyn O'Day is the chief of Constituent Services of  
(I.D.O.C)

Defendant #7

H Defendant Ronald C. Gaetz is employed as  
Deed Warden/Chief Administrative Officer with  
Illinois Department of Corrections, Pinckneyville Corrections, 5525 State Route  
154, P.O. Box 999, Pinckneyville, IL 62274.

At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.

Defendant Ronald Gaetz is the Deed Warden/Chief Administrative Officer of  
Pinckneyville Corrections.



DEFENDANT #8

I Defendant David Redner is employed as  
Assistant Warden with (I.DOC) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville, IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant David Redner is the Assistant Warden for (I.DOC) Pinckneyville  
Corrections.

DEFENDANT #9

I Defendant Earl Wilson is employed as  
Assistant Warden with (I.DOC) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Earl Wilson is the Assistant Warden for (I.DOC) Pinckneyville  
Corrections.

DEFENDANT #10

I Defendant Kathy Deen is employed as  
Grievance Officer with (I.DOC) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Kathy Deen is the grievance officer for (I.DOC) Pinckneyville  
Corrections.

DEFENDANT #11

L Defendant William Pickering is employed as  
Major/Correctional Guard with Pinckneyville Center  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.

Defendant William Pickering is the Major/Correctional Guard for Pinckneyville  
Corrections.

DEFENDANT #12

M Defendant Derrick Cleland is employed as  
Major/Correctional Guard with Pinckneyville Corrections.  
5835 State Route 154, P.O. Box 999 Pinckneyville, IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.

Defendant William Pickering is the Major/Correctional Guard for Pinckneyville  
Corrections.

DEFENDANT #13

N Defendant Jason Brady is employed as  
Lieutenant/Inmate Affairs/Correctional Guard with  
Pinckneyville Correctional 5835 State Route 154, P.O. Box 999  
Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state, local government.

Defendant Jason Brady is the lieutenant of Inmate Affairs of Pinckneyville  
Corrections.

DEFENDANT #14

O Defendant Brett Klindworth is employed as  
Lieutenant/Chair Person/Correctional Guard with  
Pinckneyville Correction (I.D.O.C) 5835 State Route 154.  
P.O. Box 999, Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Brett Klindworth is the lieutenant/Chair person of the Adjustment  
Committee at Pinckneyville Corrections.

DEFENDANT #15

P Defendant Williams is employed as  
Lieutenant/Correctional Guard with Pinckneyville  
Correctional (I.D.O.C) 5835 STATE ROUTE 154, P.O. BOX 999  
Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Williams is the lieutenant at Pinckneyville Corrections.

DEFENDANT #16

G Defendant Jon Camp is employed as  
Sergeant/Correctional Guard with Pinckneyville Corrections  
(I.D.O.C.) 5835 State Route 154, P.O. BOX 999  
Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was  
employed by the state local government.

Defendant Jon Camp is the Sergeant at Pinckneyville Corrections.

DEFENDANT #17

R Defendant James Reeves is employed as  
Psychologist with (I.D.O.C) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville, IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government

Defendant James Reeves is the Psychologist for Pinckneyville Corrections.

DEFENDANT #18

S Defendant Tracy Eppley is employed as  
Psychologist/Mental Health Service with (I.D.O.C) Pinckneyville  
Corrections 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Tracy Eppley is the Mental Health Service for Pinckneyville Corrections.

DEFENDANT #19

T Defendant Ty Wallace is employed as  
Psychologist/Mental Health Service with (I.D.O.C) Pinckneyville  
Corrections 5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Ty Wallace is the Mental Health Service for Pinckneyville Corrections.



DEFENDANT #20

V Defendant

Mark Basolo, is employed as  
Correctional Guard with Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville  
IL 62274

At the time the claims alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Mark Basolo is the Correctional Guard with Pinckneyville Corrections.

DEFENDANT #21

V Defendant

Marcus A Myers is employed as  
Correctional Guard with Pinckneyville Corrections  
5835 State Route 154 P.O. Box 999 Pinckneyville  
IL 62274

At the time the claims alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Marcus A Myers is a Correctional Guard with Pinckneyville Corrections

DEFENDANT #22

V Defendant

Carol McBride is employed as  
Correctional Guard with Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville Corrections  
IL 62274

At the time the claims alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Carol McBride is a Correctional Guard with Pinckneyville  
Corrections

Defendant #23

X Defendant Tammy Hampton is employed as  
Nurse with (I.D.O.C.) Pinckneyville Correction  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant is employed  
by the state local government.

Defendant Tammy Hampton is the Nurse for Pinckneyville Correctional.

Defendant #24

4 Defendant Crabtree is employed as  
Correctional Guard with (I.D.O.C.) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant is employed  
by the state local government.

Defendant Crabtree is the Correctional Guard Pinckneyville Corrections.

Defendant #25

2 Defendant Graves is employed as  
Correctional Guard with (I.D.O.C.) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant is employed  
by the state local government.

Defendant Graves is the Correctional Guard Pinckneyville Corrections,

Defendant #26

AA Defendant Semphaskey is employed as  
Correctional Guard with (I.D.O.C) Pinckneyville  
Corrections 5835 State Route 154, P.O. Box 999  
Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Semphaskey is a Correctional Guard for Pinckneyville Corrections.

Defendant #27

AB Defendant Clark is employed as  
Correctional Guard with (I.D.O.C) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Clark is a Correctional Guard for Pinckneyville Corrections.

Defendant #28

AC Defendant Forlow is employed as  
Correctional Guard with (I.D.O.C) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claim alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant Forlow is a Correctional Guard for Pinckneyville Corrections

DEFENDANT #29

AD Defendant James is employed as  
Correctional Guard with (I.D.O.C) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed  
by the state local government.

Defendant James is a Correctional Guard for Pinckneyville Corrections.

DEFENDANT #30

AE Defendant Ruebke is employed as  
Correctional Guard with (I.D.O.C) Pinckneyville Corrections  
5835 State Route 154, P.O. Box 999 Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed by the state  
local government.

Defendant Ruebke is a correctional Guard for Pinckneyville Corrections.

DEFENDANT #31

AF Defendant Collier is employed as  
Correctional Guard with (I.D.O.C) Pinckneyville  
Correctional 5835 State Route 154, P.O. Box 999  
Pinckneyville IL 62274

At the time the claims alleged this complaint arose, this defendant was employed by  
the local government.

Defendant Collier is a Correctional Guard for Pinckneyville Corrections



DEFENDANT #32

AG Defendant Ramsey is employed as  
Correctional Guard with (I.D.C.) Pinckneyville  
Corrections 5835 State Route 154, P.O. Box 944 Pinckneyville  
IL 62274

At the time the claims alleged this complaint, this defendant was employed by the  
State local government.

Defendant Ramsey is a Correctional Guard for Pinckneyville Corrections.

### INDEX

37 pages of EXHIBITS

29 pages of the original complaint

66 pages Total.

## II PREVIOUS LAWSUITS

- A. No other lawsuits are being pursued in state or federal court relating to my imprisonment.

## III GRIEVANCE PROCEDURE

- A. There is a prisoner grievance procedure in the institution.
- B. All the facts have been related and stated in the prisoner grievance procedure concerning this complaint.
- C. After writing all facts relating to this complaint on a designated grievance form it was then sent to the counselor.
2. The grievances were denied, while several other's went ignored.
- D. Grievances that were ignored by the institution were refiled and sent directly to the office of inmate issues.
- E. Even with the grievance procedure letters were written to prison authorities, such The Director, Assistant Director, the southern region Deputy Director and the Warden.
- F. The assistant Director and Deputy responded and denied me any help.

H. All Exhibits which are included in order.

- 1) Administrative Review Board's Office of Inmate Issues final decision. Copy of Grievance's as "Exhibits A & B".
- 2) Xeroxed copies of the letter sent to the Director, Assistant Director and Southern Region Director as "Exhibits C".
- 3) ~~Four~~ four copies of final summary reports from the adjustment committee as "Exhibits D".
- 4) Xeroxed copies of grievance's that went unanswered by both Pinckneyville Corrections and Administrative Review Board Office of Inmate Issues as "Exhibits E-K".
- 5) Xeroxed copies of letter's sent the warden as "Exhibits L".
- 6) Four declarations each written in their own handwriting and statement's relating to this complaint as "Exhibits M".
- 7) The original letter sent from the Chief Constituent Services as "Exhibits N".
- 8) The original letter sent from Ty Betes (Defendant) as "Exhibits O".

#### IV STATEMENT OF CLAIM

- 1) At all times relevant to this complaint Plaintiff Dameron "Dorine Klesire" Cole a transsexual openly known homosexual, who carries herself as a female. She was housed at Pinckneyville Correctional Center. Who also goes by Ms. Dorine or Ms D.
- 2) On September 16, 2011 while housed at Pinckneyville Correctional Center, refused housing due to threats received from her cellmate and the unwillingness of staff not wanting to move her.

3) On September 30, 2011, Plaintiff Kivine drafted a grievance concerning the living arrangements for (G.B.T.Q) inmates.

4) The administration has sent forth a policy that allows them to house (G.B.T.Q) inmates with, none (G.B.T.Q) which cause and starts fights as well as assaults.

5) The administration of Pinckneyville Correction being, Governor Pat Quinn, Director of (I.D.O.C) Illinois Department Of Corrections, S.A Godner Assistant Director of (I.D.O.C) Gladys Taylor, Southern Region Deputy Director Ty Bates, Chief of Constituent Services (I.D.O.C) Jacklyn O'Way, Administrator of Office of Inmate Issues (I.D.O.C) Sherry Benton, Head Warden Ronald W. Gaetz, Assistant Warden of Operations Earl Wilson, and Assistant Warden of Programs David Radnor.

6) All Defendant's previously stated were righted by grievance, and letter of the related complaint.

7) On December 21, 2011 a grievance was denied by defendant's Counselor Hartman and Grievance Officer Kathy Deen both who are employees of Pinckneyville Correctional Center. This grievance was then forward to the Administrative Review Board Office of Inmates Issues. A) "In accordance with the 20 Ill Administrative Code 504." (SEE EXHIBIT-A)

Note: The grievance procedures gives inmates the voice to seek relief from any issues that may arise during an inmates stay in (I.D.O.C). Counselor Hartman and Grievance Officer Kathy Deen continuously take that voice away by denying all grievances.



8) After pleading with Correctional Guards to move "Kivine" from cell 2D55 where she and her then cellmate was not getting along, she was then told to "Fuck or Fight". "Kivine" continuously asked for assistants, she then in desperation sought relief in refusing housing.

9) (G.B.T.Q) vulnerable inmates are forced in cells were men who are homophobic and violent towards those inmates that's (G.B.T.Q), Gay, Bi-sexual, Transsexual, Queen.

10) Around October another inmate disciplinary report was written for intimidation and threats to another inmate. Never seeing the adjustment committee, I was found guilty and sentence to four months segregation. Upon seeing the adjustment committee's final summary this summary said "Kivine" plead guilty. Defendant Carol McBride was the Chair person and Defendant Marcus Myers.

11) A) Clause #2

11) On December 12, 2011 while still housed in segregation for the previous charges, "Kivine" was assigned inmate Lera as a cellmate. Upon seeing "Kivine" Lera recognized "Kivine" as a homosexual. After entering the cell inmate Lera immediately began pressuring me "Kivine" for oral sex.

12) "Kivine" then got the attention of Correctional Guards and notified staff of the situation. For four consecutive days "Kivine's" plea's went ignored.

13) On December 15, 2011 "Kivine" went on suicide watch, to get out of the cell with Lera.

- 14) While on suicide watch Defendant Tracy Epplin spoke to "Kivine" to see why she was on suicide watch. "Kivine" informed Ms. Epplin of her current situation.
- 15) Tracy Epplin then went to internal affairs, Defendants Lieutenant Jason Bradley and investigator Furlow of the situation. Who in turn notified the assistant Warden of Operations Earl Wilson and Major William Pickering.
- 16) At an interview conducted by investigator Defendant Furlow on the previous issue stated above, at that time "Kivine" then requested Protective Custody and a change of status "vulnerable". Defendant Furlow then told "Kivine" that he would send an outlook to Defendant Mr. Reeves through institutional computer.
- 17) A grievance was written on how staff handled the situation.
- 18) On the 19<sup>th</sup> of December another inmate whose name is unknown was assigned to live in cell A 77 (5) house were inmate "Kivine" was living. Again this inmate upon seeing "Kivine" asked for sex, after being denied the request this inmate then refused housing and went on suicide watch.
- 19) Upon information and belief this unknown inmate and inmate Lara was incarcerated for rape charges.

Note: According to 730 ILCS 5/3-22 and 20 ILCS 504.620, Section 05, subsection 03 subject 107 of the Administrative Directive, states the following. Prior to housing two offenders in a cell, the respective Lieutenant or Chief Administrative Officer (warden) shall review the Doc 0303 for each offender.

The report shall consider compatibility contraindications such as difference in age or physical size, security threat group affiliation, projected release dates, security issues medical or mental health concerns, history of violence with cell mates, and racial issues. (Grievance denied on Feb. 21, 2012)  
SEE EXHIBIT B

20) None of which the administration of Pinckneyville goes by.

### Clause #3

21) January 16, 2012 "Kivine" was released from segregation to general population. Where upon arriving to her assigned cell house 3 "Cwing cell #79. An unknown inmate who occupied the cell before "Ms Kivine's" arrival recognized her.

22) This unknown inmate then told her "Kivine" she couldn't stay there, if they "meaning the guards" didn't move her then they would move both of them or us, while he "the unknown inmate" was putting on his gym shoes as if he was ready to fight.

23) During "Kivine's" schedule day room time this inmate and "Kivine" went to there unit. officer % Collier also a defendant and told him the situation.

24) Defendant % Collier called Defendant % investigator Clark of internal affairs, he was told of the situation. Defendant Clark then said either for "Kivine" to deal w/ it or walk herself.

25) "Divine" once again was left with no help from correctional guards, seeking relief once again in refusing housing. Before "Divine" refused housing she called her father and notified him of what officials were doing to her.

26) During "Divine's" phone conversation with her father % Samoliasky turned the phones off, then told "Divine" to cut up because she refused housing. "Divine" never stated that she was refusing housing. "Divine" then told Samoliasky also a defendant that she will be suing him for forcing her to refuse housing instead of simply recalling her.

27) Defendant Samoliasky said verbally so can't no judge do nothing to me, it won't be the first time somebodies tried to suit me and it damn sure won't be the last. (Disciplinary Report see exhibit 5, and Grievance see exhibit 7). (Also see exhibit 11)

28) "Divine" repeatedly requested for protective custody and or vulnerable status and was constantly being denied by the administration.

Clause #4

29) On February 23, 2012 Defendant Ruebke working receiving segregation stopped at "Divine's" cell door, during count and made a comment. "You dressed for the gay parade."

30) Laughing at his insulting joke while walking away. A few minutes later "Ms. Divine" was holding a conversation with another inmate Alfredrick Carr, Ruebke came back a second time and stated "It smells like dick, you still not in P.C. homosexual". (see Grievance Exhibit G)



31) Defendant's Ramsey and Marcus A Myers came walking down receiving segregation and both made insulting comments towards her "Divine" only after she asked % Marcus A Myers did he or lieutenant Brett Kinds worth put her in for a transfer, since they held the hearing of her disciplinary report without her being there. (SEE EXHIBIT - G)

Note: According to 20 Illinois administrative code section 501.80 a), which states the following "The adjustment committee hearing shall be convened but need not be concluded within (4) days after the commission of the offense by an adult offender or whenever possible, unless the offender has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purpose of this section, when an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the offender from the facility for any reason or certification by the healthcare staff that the offender is unable to appear.

32) None of which was the case with "Divine". Defendant Ramsey looked at Defendant Marcus A Myers and that stated "At least I don't like it up the ass, I like pussy you faggot". Then Defendant Marcus Myers said "A P.C. bitch, bring your gay ass out to population and stop trying to suck dicks."

33) March 3, 2012 grievance was written requesting protective custody and or vulnerable status, as well as an interview that was conducted by Defendant Jason Brady for protective custody.

34) On February 24<sup>th</sup>, 2012 Defendant Lieutenant Jason Brodsky whose over the Internal Affairs computer. Conducted an interview with "Ms. Divine," who told Lieutenant Brodsky that she feared for her safety, how she's not trying to have sex with other inmates while in prison.

35) "Divine" further went on to state inmates think just because she conceives herself to be a girl and carry feminine traits and characteristics that she's suppose to have sex with anybody at there beck and call. Immediately after the interview Defendant Lieutenant Jason Brodsky refused to place her in protective custody and on vulnerable status.

36) It was then told to her verbatim "Dr. Reeves another Defendant didn't think it fit the criteria of a vulnerable inmate."

Note: Pickneyville Corrections has a vulnerable system in place and all or most of the inmates who are on vulnerable status are violent inmates.

37) Defendant's Pat Quinn, S.A. Gomez, Gladys Taylor were and Ty Bates were all notified through numerous of letter's sent to them.

38) Defendant's Ronald Gaetz, David Redman, Earl Wilson were all notified through the grievance procedure. (See exhibit's I and D-1.)

Clause #5

39) On February 25<sup>th</sup> % Ramsey while working receiving segregation unit, during the passing out of lunch trays this % also a Defendant stopped by "Givine's" cell and said "hey Cole how's your ass"

40) After asking % Ramsey why he was coming at her "Givine" told that Ramsey they stated "haven't you heard in hell nigger and white"

41) On the 26<sup>th</sup> of February again % Ramsey working receiving segregation, ignored all of "Givine's" request for segregation pens and grievances.

42) Later that same day % Ramsey approached "Givine's" door with his hand on his crotch and told what was suppose to be a joke, an insult. "How many steps does it take to screw in a light bulb, twelve cause there all busy screwing each other." (SEE GRIEVANCE EXHIBIT-I)

43) After "Givine's" second house arrest on the 16<sup>th</sup> of January, I was seen by Internal Affairs Defendant Furlow, again the request for vulnerable status was placed to the Psychiatric team. No one from the psych department, Defendant's Psychologist Dr. James Reeves, Mental Health Service Tracy Epling, and Mental Health Service Ty Wallace, came to talk to me about vulnerable status.

44) On March 5, 2012 "Givine" wrote a grievance on not being seen by the Psychiatric team. "Givine" was taking and still is taking psychotropic medicine. (SEE GRIEVANCE EXHIBIT-3)

45) On March 6, 2012 Defendant Crabtree working receiving segregation during his inmate count the defendant ordered "Ms. Grivine" to get out of her bunk and strip. After not complying with the order, Crabtree then threaten her with leaving her light on all night and calling the Lieutenant.

46) Defendant %o Graves then followed behind %o Crabtree with those same unorthodox orders, then left my light on all night because I would not strip. (see Grievance exhibit -h).

Note: According to 730 ILCS 5/3-2-2 and 775 ILCS 5/1-101, Administrative Directive section 03, subsection 01, subject 310 "Sexual Harassment" II. 7.1 D states the following "Verbal conduct such as sexual innuendos, suggestive comments, insults, humor or jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

47) On March 5, 2012 "Grivine" started writing letters to the Defendant Ronald K. Gaetz for an entire week notifying him of staff conduct and requesting protective custody. (see exhibit -h)

48) On March 9, 2012 "Grivine" was then moved from a single cell where she was held since the 27 of January, to a double cell where inmate Chase Oraper # 511979 was placed in the cell with her. Mr. Oraper then told her that he was homophobic.



49) On March 9, 2012 Mr. Drapper and "Divine" both started notifying Lieutenant Williams on Defendant, Defendant Sergeant Hicks Defendant Internal Affairs James and a host of other Correctional Guard's who done nothing.  
(SEE GRIEVANCE EXHIBIT-K, Declaration of inmate Drapper EXHIBIT-M)

## Class # 6

50) On March 17, 2012 Defendant Sergeant Jon M. Corp wrote a fraudulent disciplinary report on "Divine" stating that she "Divine" said, "I'm going to beat your fucking ass" (SEE Adjustment committee final summary report EXHIBIT-D)

51) On March 23, 2012 the adjustment committee falsified paper, holding a hearing while i'm in my cell, without me being present again and said i, plea guilty to the charges, sentencing me to two more months of segregation.

52) Never did i have a chance to give any statement nor defend myself, on no IDR did i ever see the board except for my first and second house refusal.

53) Exactly six days later On March 24 Defendant Nurse Tammy R. Harmon wrote yet another fraudulent Inmate Disciplinary Report (IDR). In her report Tammy states that "Divine" was masturbating thru the chuck hole at her. (SEE Grievance EXHIBIT-K)

54) On April 2, 2012 again the adjustment committee holds at another hearing without my presence and again the adjustment Committee claimed I plea guilty and sentence me to six months segregation, six months loss of goodtime, six months of C grade.

Note: The Adjustment Committee in Pinckneyville Corrections is always Lieutenant Brett Kindworth chair person, Marcus A Myers, or on March 17 2012 Carol A McBride was apparently in for Marcus Myers. Also notice how they said I pleaded guilty to every charge not willing to fight any of them.

55) Officer Carol McBride who was a lieutenant as well as Marcus Myers and Lieutenant Brett Kindworth all know "Wivine" who is biologically male feels, acts and carry's herself as a woman.

56) On May 18<sup>th</sup> 2012 a letter from the office of Defendant Jacklyn O'Day chief of Constituent Services, was sent to "Ms Wivine" telling her that the Assistant Director Gladys Taylor forwarded her letter over to their office, making all parties very well aware of what's going on.

57) Ms O'Day states that all housing assignments are ~~not~~ made on a non-discriminatory manner and are not based on race, religion, nationality or political beliefs. (SEE EXHIBIT-N)

Note: The Administrative Directive 05.03.107

states 7.5 "The review shall consider compatibility contraindications such as difference in age or size, security threat groups affiliation, projected Release Dates, Security issues, medical or mental health concerns, history of violence with cellmates, and Racial Issues.

58) On the 19<sup>th</sup> of March Ty Bates sent a letter of response to me denying me protective custody saying im trying to manipulate cell status.  
(SEE EXHIBIT-C) (also SEE EXHIBIT-C)

## V LEGAL CLAIMS

59) Plaintiff reallege and incorporates by reference paragraphs 1-58 all defendants fail to protect and adequately house "Divane", violating her Eighth Amendment to the United States Constitution.

60) Defendants S. A. Gomez, Gledys Taylor, Ty Bates, Sherry Benton, Saclyn O'day, Donald Gertz, David Redman, Earl Wilson, William Pickering, Wernick Cleland, Jason Brodhy, and W. Reeves all had the power to make any necessary changes and moves that would have prevented her from being pressured and forcing her to refuse housing. which is a failure to protect, which is a direct violation of her <sup>fourteenth</sup> ~~eighth~~ Amendment right.

61) Defendant's Collier, Samolasky Marcus Myers, Clark, Turbow, Ruebke, Ramsey, Tracy Eppley, Ty Wallace, Hartman, Kathy Dean and Carol McBride were all made aware of "Kivine's" request along with Jason Brady, Kerrick Cleland, William Pickering, Ronald Goetz, David Redman, Earl Wilson and S. A. Gomez, for Protective Custody all denied her in one way or the other which violated her Fourteenth and Eighth Amendment. (Due Process and Equal Protection, cruel and unusual punishment)

62) Defendant's Hartman, Kathy Dean, Sherry Benton and Ronald Goetz all denied her grievance's which is her voice while incarcerated. Violating her First Amendment (freedom of speech)

63) Defendant's Marcus Myers, Ruebke, Ramsey, Crabtree, Graves, for Camp, Tammy Hampton all verbally assaulted Kivine and on written false report which is a violation of her Fourth Amendment. (The right of the people to be secure in their person)

64) Plaintiff "Kivine" has no plain adequate or complete remedy at law to redress the wrongs described herein. "Kivine" has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff seeks.



## VI PRAYER FOR RELIEF

- 65) Granting Plaintiff "Nirvine" a declaration that the acts and omissions described herein violate's her rights under the Constitution and laws of United States, and
- 66) a preliminary and permanent injunction ordering defendants, Pat Quinn, S.A. Godinez, and Gledys Taylor and Ty Bates. to change the policy on housing homosexuals with anybody.
- 67) Granting Plaintiff "Nirvine" compensatory damages in the amount of \$200,000 against each defendant, jointly and severally.
- 68) Plaintiff "Nirvine" seeks punitive damages in the amount of \$140,000 against each defendant, jointly and severally.
- 69) Plaintiff seeks a jury trial on all issues triable by jury
- 70) Plaintiff also seeks recovery of their costs in this suite and
- 71) Any additional relief this court deems just, proper and equitable.
- 72) Plaintiff also seeks judgment for I Doc not to reimburse Plaintiff for payment of incarceration.

Respectfully Submitted  
Dameon Cole #R13404  
Pontiac Correctional Center  
Tow. Lincoln P.O. Box 99  
Pontiac IL 61764